

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-16505 - APPLICANT/OWNER: ALVY COOK

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILWOMAN TARKANIAN.

**** CONDITIONS ****

The Planning Commission (6-1/gt vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal filed by the applicant from the denial by the Planning Commission of a request for a Variance to allow a rear yard setback of five feet where 15 feet is the minimum setback required for a proposed room addition at 1117 Strong Drive.

The applicant has created a self-imposed hardship by proposing to overbuild the site. As there is no indication of a hardship associated with the site's physical characteristics, the recommendation is for denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/19/06	The Planning Commission abeyed at the request of the applicant an application for a Variance (VAR-16505) to the 11/02/06 Planning Commission meeting.
11/02/06	The Planning Commission voted 6-1/gt to recommend DENIAL (PC Agenda Item #38/jm).
<i>Related Building Permits/Business Licenses</i>	
	There are no permits that pertain to this site.
<i>Pre-Application Meeting</i>	
08/25/06	A pre-application was held. The applicant was informed that his request to build a house addition in the backyard would require a Variance. Staff then discussed the required materials needed to apply for the Variance.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting was not held, nor is one required.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.25

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)
North	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)
South	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)
East	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)
West	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
Special Purpose and Overlay Districts		X	Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500	11,088	Y
Min. Lot Width	65 Feet	84 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	15 Feet	5 Feet	Y
Max. Lot Coverage	50%	35%	Y
Max. Building Height	2 stories or 35 Feet	15.75 Feet	Y

ANALYSIS

The applicant is proposing to expand their 2,256 square-foot house by adding 625 square feet in the front part of the house and 932 square feet in the back of the house for a total of 1,626 square feet of addition. Per the site plans received, the house addition in the backyard, which forms an L-shape around the existing pool. This is the section of the house that the applicant is requesting a Variance for a five-foot rear yard setback where 15 feet is required.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship. The applicant has overbuilt their site and an alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There was one speaker in opposition and letters in support submitted at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 164 by City Clerk

APPROVALS 0

PROTESTS 3